

DRAFT

Procedures To Notify Industrial Users

July 1, 1982

CITY OF INDIANAPOLIS
DEPARTMENT OF PUBLIC WORKS

INDUSTRIAL PRETREATMENT PROGRAM

PROJECT MANAGEMENT REPORTS



Peat, Marwick, Mitchell & Co.

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TASK 2



Peat, Marwick, Mitchell & Co.

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July 1, 1982

Ms. Susan Loudermilk
Assistant Chief Engineer
Department of Public Works
City of Indianapolis
2460 City/County Building
Indianapolis, IN 46204

Dear Ms. Loudermilk:

Enclosed for your review is our Task 2 report entitled "Procedures to Notify Industrial Users." The report presents a plan that the City can follow to notify industry when EPA passes categorical standards for certain industrial classifications.

It is important to note that this notification procedure will be integrated into the City's overall pretreatment program management plan which is currently being developed by the study team and reviewed with the Chamber of Commerce.

We appreciate the assistance that you, your staff, and the Industrial Surveillance Branch have given to us in the development of this report.

Very truly yours,

PEAT, MARWICK, MITCHELL & CO.

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I. BACKGROUND AND OBJECTIVES

An important part of the City's pretreatment program will be a set of procedures for notifying industry of applicable pretreatment standards and, in particular, of EPA categorical standards and standards promulgated under the Resource Conservation and Recovery Act. Each time EPA publishes a categorical standard, the Industrial Surveillance Branch (ISB) must notify each industry in the system which falls into that particular industrial category.

Industry then has up to three years to comply with the new standards¹ or until July 1, 1984.² In some cases, industries who believe that they should not be classified as part of an industrial category have up to 60 days after the effective date of the standard to request that the EPA enforcement division director provide written certification of whether the industrial user falls within that particular subcategory. This request may also be made by the Industrial Surveillance Branch. If the Industrial Surveillance Branch makes this request for certification, it must notify any affected industrial user of that submission and the industrial user may provide written comments to EPA on the Industrial Surveillance Branch submission within 30 days of notification.³

The notification procedures are a key part of the pretreatment program for industry and will be integrated into the overall pretreatment management plan being developed by Peat Marwick in other tasks in this pretreatment program.

The objective of the notification procedures is to provide the City with a mechanism for contacting industries that will be

¹ See Code of Federal Regulations, Chapter 40, Part 403.6.

² EPA is currently revising the pretreatment standards; this date, therefore, will probably be moved.

³ Paraphrased from 40 CFR, 403.6(a).

affected by the categorical standards, notifying industries of City requests for certification, and maintaining a general system of communications with the various industrial users in the City of Indianapolis.^{1,2}

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- ¹ 40 CFR 403.8(f)(2)(iii) requires every POTW subject to the pretreatment requirements of the Federal Water Pollution Control Act (the Act) to have procedures which enable the POTW to (notify) industrial users identified under 403.8(f)(2)(i) of applicable pretreatment standards and any applicable requirements under section 204(b) and 405 of the Act and Subsection C and D of the Resource Conservation and Recovery Act.
- ² EPA is currently determining the number of categorical standards that it will promulgate. The study team is not sure at this point what the total number of categorical standards that EPA will promulgate will be or the number of notification actions that the City would have to take.

II. APPROACH

To develop the notification procedures, the study team followed the plan of study Tasks 2.1 through 2.5 as identified below.

- 2.1 - Review Existing Administrative Procedures;
- 2.2 - Review Existing Management Structure;
- 2.3 - Coordinate With the Training Program;
- 2.4 - Integrate the Notification Process into Other City Programs; and
- 2.5 - Integrate the Administrative Needs of the Notification Process Into the Overall Development of the Pretreatment Management Plan.

Peat Marwick, working with Mark Battle Associates, reviewed the existing administrative procedures of the Industrial Surveillance Branch and discussed the steps that would be taken with the existing manual system to sort and identify industries by SIC code.

This review was coordinated with the development of the industrial user list that Peat Marwick conducted in coordination with the Industrial Surveillance Branch.

Based on the review of the existing system and an analysis of the EPA regulations regarding notification as they stood at the time of this writing, the study team began to develop a draft strategy for the notification procedures for the Industrial Surveillance Branch.

The reader should note that the development of the overall pretreatment program master plan and the management information system or data management system for the Industrial Surveillance Branch is continuing. The steps outlined for the notification procedures are based on assumptions on how the data management system will operate once it is designed and implemented in the Industrial Surveillance Branch.

The EPA regulations regarding pretreatment programs are in a state of flux. The study team relied on those regulations that became effective January 31, 1982.

III. PROPOSED NOTIFICATION PROCEDURE

The federal regulations do not specify particular steps to be followed in creating the notification procedure; however, the most direct course toward creating the procedures follows as a logical outgrowth of the requirements listed in the general pretreatment regulations in 40 CFR 403.8(f)(2)(i) and 40 CFR 403.8(f)(2)(ii).¹ These regulations, respectively, require the POTW to "identify and locate all possible industrial users that might be subject to the POTW's pretreatment program," and to "identify the character and volume of pollutants contributed to the POTW by the industrial user." These requirements correspond to the procedures developed by the Indianapolis pretreatment program team in Task 1. In short, it becomes a simple matter to utilize the data base created via the Industrial Wastewater Pretreatment Questionnaire developed in Task 1 to identify and notify the relevant industrial users of categorical pretreatment standards or of other pretreatment program requirements. The specific steps by which this is accomplished are presented below.

The Industrial Wastewater Pretreatment Questionnaire created for Task 1 provides information on company name, address, product, process, and wastewater information for a comprehensive list of relevant industrial users in Indianapolis. The pretreatment team utilized the product and process information to assign to the various industries standard industrial classification (SIC) codes that are believed to accurately reflect industrial activities of those industries.

??
develop a
form
similar
to EPA

SIC codes, in turn, will be used to signal which of 34 EPA-designated industrial categories a particular industrial user should be assigned to. Finally, all of the above information--company name and address, product, process, wastewater information and SIC codes was stored in a computer data base.² Information in the computer program can be modified by

¹ CFR, Vol. 46, No. 18, January 28, 1981, p. 449.

² The study team has the industrial user list stored on James M. Montgomery's computer. The City will have access to that computer through March 1983. Beyond that date the data management system being developed in Task 1.11 will be available to provide the city with the data if the system is implemented. In the absence of this system, the Task 1 summary reports by category can be used to identify appropriate industries.

How?
the Industrial Surveillance Branch or supplemented at any time to reflect changes in the industrial data base. As EPA issues categorical pretreatment standards, or when the City wishes to notify a particular group of industrial users of some aspect of the program, the Industrial Surveillance Branch will be able, through the data management system, to create a complete list of the relevant users by requesting the system to identify all of those industrial users characterized by one or more of a particular group of SIC codes. In addition to printing a list of names and other information on each user, the system should have the capacity to print mailing labels for the desired group.

Once the list of industries to be notified has been created users will be sent a packet of information containing:

- . Letter of transmittal describing the program (see Exhibit 2-1).
- . Notice of issuance of categorical pretreatment standards including effective date of such standards.
- . Table of maximum allowable discharge limits for one day of the particular substance(s) of concern. ← what's this mean?
- . Document entitled "How the Categorical Pretreatment Standards Process Works" (see Appendix A), which informs industrial users of how the program works, their industrial category, and what their obligations are in achieving compliance with the categorical standards. The document, in large part, repeats the "Reporting Requirements for POTWs and Industrial Users" contained in 40 CFR 403.12.
- . A flow-diagram corresponding to Steps 1-8 of the categorical pretreatment standards program (Appendix A). The flow diagram depicts in graphic form the major steps involved in the categorical pretreatment standards program from EPA issuance of standards to final industrial-user compliance.
- . Typical pretreatment compliance schedule. This document will lay out the major steps and commencement and completion dates of the "increments of progress." "Increments of progress," discussed in 40 CFR 403.12(h), are required as part of the 180-day base monitoring report required in 40 CFR 403.13(b)(1-7). These requirements are discussed in Appendix A.

It will be the responsibility of the industrial users to complete the 180-day baseline monitoring report and return it

within 180 days to the Industrial Surveillance Branch. Those industries requiring additional pretreatment and/or operations maintenance will also be responsible for returning to ISB an increments of progress schedule. The Industrial Surveillance Branch will either approve the submitted compliance schedule or return it to the industrial users with suggested modifications. The Industrial Surveillance Branch will issue notices reminding relevant industrial users of the obligation to submit the 180-day report. These notices will be mailed to the industrial user one month before this due date.

need to
develop
a
tracking
system
for
tracking
reports
+
compliance

tie into
permit
need / permit
issuance

EXHIBIT 2-1

TYPICAL LETTER TO NOTIFY AN INDUSTRIAL USER

Gentlemen/Ladies:

Industrial dischargers into the City's sewer system have for some time been subject to federal pretreatment regulations governing discharges into the City's sewers and publicly owned treatment works (POTW) under provisions of the Federal Clean Water Act. As an initial step in the City's effort to meet its obligations under the federal regulations, a City-wide survey of industrial users of the City sewer system was conducted during the spring of 1982.

On _____, the Environmental Protection Agency (EPA) published, in the Federal Register, effluent guidelines and standards for the _____ category, as required by the Federal Clean Water Act. The purpose of these guidelines is to limit or inhibit introduction into the sewer system of pollutants that may damage, interfere with, or pass through the POTW. An attached table lists the maximum allowable discharge limits for one day of the particular substance of concern. These limits, as mandated by federal regulations, reflect the best practicable treatment currently available.

According to the City's records, your facility Standard Industrial Classification (SIC) code _____ places the facility within the _____ category of industrial users regulated under the prescribed guidelines. SIC Code determinations have been made for industries on the basis of product and process information provided to the City during the Industrial Wastewater Survey and subsequent surveillance activities by the City. These SIC codes are believed to describe accurately the activities of your facility.

The City's federal and state discharge permits require that the City enforce all federal pretreatment standards established by EPA for all industries discharging into the public sewer system.

If you believe that you have been inaccurately identified as belonging to the above industrial category, request written certification from EPA by contacting Dale Bertelson, Chief of the Industrial Surveillance Branch, within 30 days after receiving this notice.

Industrial users correctly identified as belonging to the above category are required by the General Pretreatment Regulations of Existing and New Sources of Pollution, 40 CFR 403.12,

to submit a compliance report to this office within 180 days of the effective date of the pretreatment standards. The compliance report must contain the information described in Step 5 of the attached document, "How the Categorical Pretreatment Standard Compliance Process Works." Please note that fulfilling the obligations of the 180-day baseline monitoring report is only the first step in achieving compliance with the categorical pretreatment standards. Subsequent steps are outlined in the attached compliance process document and flow diagram. Please review these requirements thoroughly.

If you have any questions, please contact Dale Bertelson at 634-2030.

Very truly yours,

APPENDIX A

HOW THE CATEGORICAL PRETREATMENT
STANDARDS COMPLIANCE PROCESS WORKS

HOW THE CATEGORICAL PRETREATMENT STANDARDS COMPLIANCE PROCESS WORKS

Exhibit A-1 presents an overview of the steps necessary to comply with the categorical standards in the prescribed three-year period. The following discussion describes the specific steps that are summarized in Exhibit A-1.

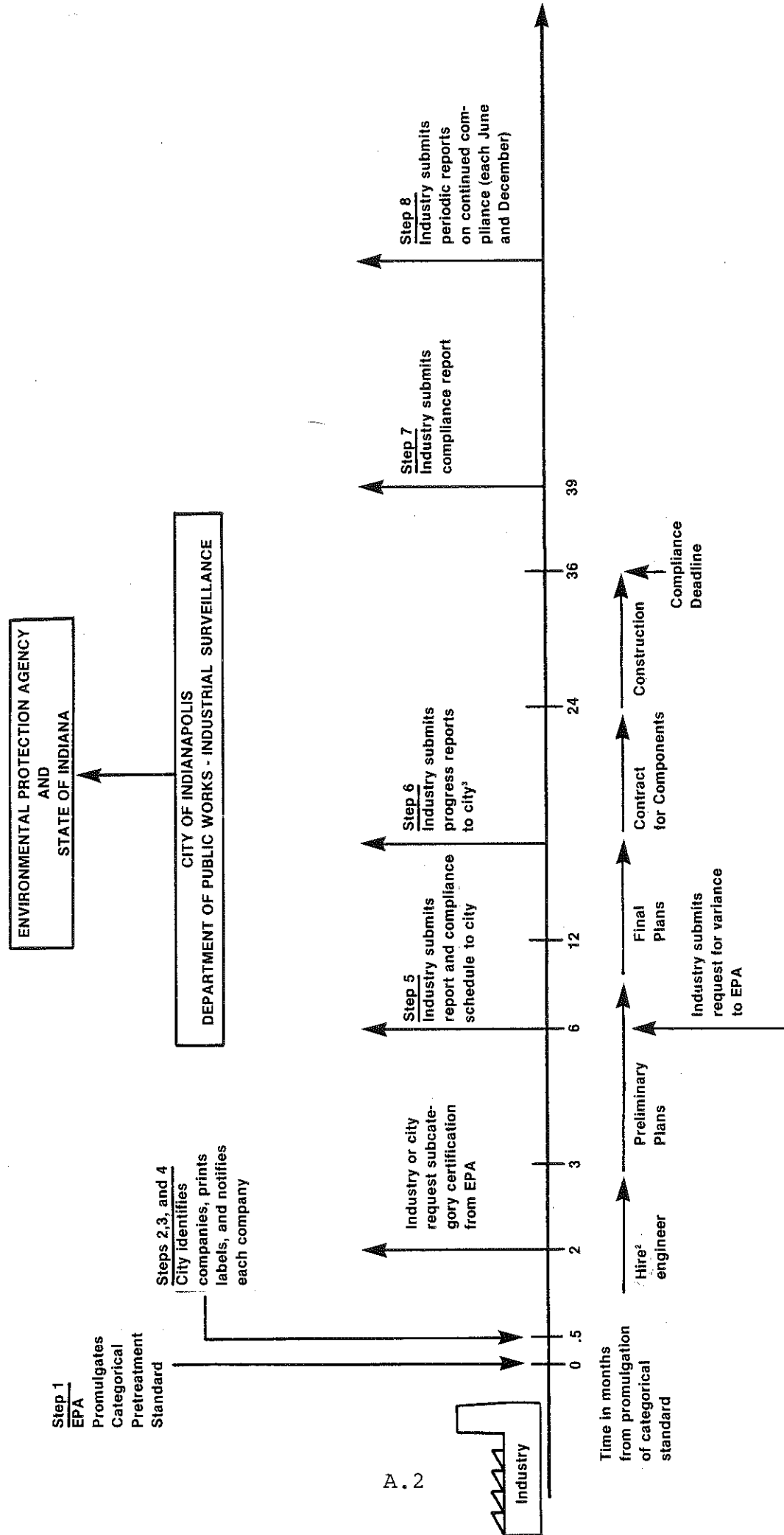
- Step 1 The Environmental Protection Agency (EPA) issues Pretreatment Guidelines and Standards for a particular industrial category or subcategory. Compliance by existing sources with the standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N.
- Step 2 When categorical standards are issued, the Industrial Surveillance Branch (ISB) of the Department of Public Works determines on the basis of Standard Industrial Classification (SIC) codes which industrial discharges are included under the categorical standards. SIC codes have been assigned on the basis of product and process information.
- Step 3 ISB creates a list of relevant industrial dischargers and prints mailing labels.
- Step 4 ISB sends industrial dischargers notice of their obligations to comply with the categorical pretreatment standards and of the requirement to submit a "180-day baseline report."¹

¹ 40 CFR 403.6 states that: Within 60 days after the effective date of a pretreatment standard for a subcategory under which an industrial user believes itself to be included, the industrial user may request that the EPA Regional Enforcement Division Director provide written certification to the effect that the industrial user does or does not fall within that particular category. (See 40 CFR 403.6 for procedural requirements necessary to complete such a request.)

EXHIBIT A-1

CITY OF INDIANAPOLIS PRETREATMENT PROGRAM

OVERVIEW OF COMPLIANCE SCHEDULE FOR CATEGORICAL STANDARDS¹



¹ See EPA General Pretreatment Regulations, Vol. 46, No. 18, January 28, 1981, effective February 1, 1982, Sections 403.12 and 403.6.

² The time for each compliance step will vary.

³ 14 days after completion of major events.

Step 5 Reporting and Compliance Requirements for Industrial Users.¹ 40 CFR 403.12 states that:

Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users subject to such pretreatment standards who are currently discharging or scheduled to discharge into a POTW (Publicly Owned Treatment Works) will be required to submit to ISB a report which contains the information listed below. New sources shall be required to submit to ISB a report which contains the information listed in the first five bullets:²

- . the name and address of the facility including the name of the operator and owner;
- . a list of environmental permits;
- . the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such industrial user;
- . the average and maximum wastewater flow from such industrial user to the POTW, in³ gallons per day.

¹ Steps 5, 6, 7, and 8 have been adapted from 40 CFR 403.12, with the original words "control authority" replaced by "ISB."

² Note on report format: EPA is currently repairing standard baseline reporting forms. In the interim any "reasonable and orderly format will be an acceptable format for the reports." It is required that sufficient detail be provided ISB to justify the data of the incremental steps through which the user will achieve compliance (See Exhibit 7 below). Also, a sufficient description of the incremental benchmarks must be provided so that a "reasonable POTW operator can recognize whether or not those benchmarks toward full compliance are being achieved on schedule."

³ Industrial users may be permitted to report estimated rather than measured flows where ISB approves of these estimates in recognition of cost or feasibility considerations.

- Amended
10/14/88
for comment*
- . the nature and concentration of regulated pollutants in the discharge from each regulated process from such industrial user and identification of the applicable pretreatment standards and requirements. The concentration shall be reported as maximum or average levels as provided for in the applicable pretreatment standards and requirements.¹ If an equivalent concentration limit has been calculated in accordance with the pretreatment standard, this adjusted concentration limit shall also be submitted to the ISB for approval.
 - . a statement, reviewed by an authorized representative of the industrial user (as defined in the General Notes below and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
 - . if additional pretreatment and/or O&M will be required to meet the pretreatment standards the shortest compliance schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to the schedule:
 - the schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and

¹ Note on sampling requirements: Facilities with average daily process flows less than 250,000 gpd are required to take 3 samples within a two-week period. Facilities with process flows greater than 250,000 gpd are required to take 6 samples within a two-week period.

operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)

- no increment referred to in Step 5 of this section shall exceed nine months.

- Step 6 Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to ISB including, as a minimum, whether or not it complied with the increment of progress (see Exhibit A-2) to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return to the compliance schedule established. In no event shall more than nine months elapse between such progress reports to ISB.
- Step 7 Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the ISB a report indicating the nature and concentration of a pollutant in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units, which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined below and certified to by a qualified professional.
- Step 8 Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the ISB during the months of June and December, unless required more frequently in the pretreatment standard or by the
- Handwritten notes:*
should
be
done
internally

EXHIBIT A-2

CITY OF INDIANAPOLIS PRETREATMENT PROGRAM

SAMPLE PRETREATMENT COMPLIANCE SCHEDULE
(Suggested Guidelines)

COMPANY NAME _____

FACILITY ADDRESS _____

MAILING ADDRESS _____

INCREMENT OF PROGRESS	START DATE	COMPLETION DATE
1. Hire or appoint engineer	_____	_____
2. Assess treatment system design needs	_____	_____
3. Prepare treatment system design	_____	_____
4. Hire construction contractor	_____	_____
5. Execute contracts for major components	_____	_____
6. Begin construction	_____	_____
a. Prepare site	_____	_____
b. Prepare foundations	_____	_____
c. Erect buildings and structures	_____	_____
d. Install equipment	_____	_____
7. Begin pretreatment operations	_____	_____

(Please note that no single increment shall exceed nine months.)

Signature of official

Title

Date

Approved by ISB

Yes _____ No _____

Suggested changes

ISB or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Step 5.

At the discretion of the ISB and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the ISB may agree to alter the months during which the above reports are to be submitted.

The ISB may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards and requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the first paragraph of this step shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The industrial user shall notify the POTW immediately of any slug loading, as defined by Section 403.5(b)(4) by the industrial user.

General Notes on the Eight Compliance Steps

The reports required in Steps 5, 7, and 8 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass loadings when requested by the ISB, of pollutants which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.¹ no!

¹ Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

The reports required by Steps 5, 7 and 8 must be signed by an authorized representative of the industrial user. An authorized representative may be:

- . a principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- . a general partner or proprietor, if the industrial user is a partnership or sole proprietorship, respectively;
- . a duly authorized representative of the individual designated above in the first two paragraphs if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

The report required in Steps 5, 7, and 8 shall be subject to the provision of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Section 309(c)(2) of the Act governing false statements, representations, or certifications in reports required under the Act.

Any industrial user and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- . the dates of analyses;
- . who performed the analyses;
- . the analytical techniques (methods) used; and
- . the results of each analyses.

Any industrial user or POTW subject to the reporting requirements established in this section shall maintain records of monitoring activities and results for three years (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator and POTW, in the case of an industrial user. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Director and the Regional Administrator.